

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSEPH W. HUBER, JR.,

:

Petitioner,

v.

:

Case No. 3:13-CV-55

WARDEN, CHILLICOTHE
CORRECTIONAL INSTITUTION,

JUDGE WALTER H. RICE

:

Respondent

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #16) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #19) IN
THEIR ENTIRETY; OVERRULING PETITIONER'S OBJECTIONS
THERE TO (DOCS. ##17, 22); DISMISSING PETITION FOR WRIT OF
HABEAS CORPUS (DOC. #2) WITH PREJUDICE; DENYING
CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA*
PAUPERIS; JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND
AGAINST PETITIONER; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States
Magistrate Judge Michael R. Merz, in his July 9, 2013, Report and
Recommendations (Doc. #16), and in his July 30, 2013, Supplemental Report and
Recommendations (Doc. #19), as well as upon a thorough *de novo* review of this
Court's file and the applicable law, this Court ADOPTS said judicial filings in their
entirety, and OVERRULES Petitioner's objections thereto (Docs. ##17, 22).

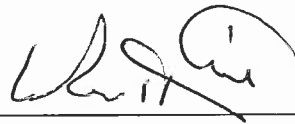
The Petition for a Writ of Habeas Corpus (Doc. #2) is DISMISSED WITH
PREJUDICE.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: August 22, 2013

A handwritten signature in black ink, appearing to read 'Walter H. Rice', is written over a horizontal line.

WALTER H. RICE
UNITED STATES DISTRICT JUDGE